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*Attorneys for Defendant Continental Casualty Company, on
behalf of itself and CNA Insurance Company, Inc., which is
not a legal entity*

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*Attorneys for Plaintiffs The Focal Point, LLC; Andrew
Spingler; Linda Spingler; g. Christopher Ritter; and Scott
Hilton*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE FOCAL POINT, LLC, a California limited
liability company; ANDREW SPINGLER;
LINDA SPINGLER; G. CHRISTOPHER
RITTER; and SCOTT HILTON,

Plaintiffs,

v.

CNA INSURANCE COMPANY, INC.;
CONTINENTAL CASUALTY COMPANY,

Defendants.

No. C07-05764 MHP

**STIPULATION AND [PROPOSED]
ORDER DISMISSING DEFENDANT
CNA INSURANCE COMPANY, INC.,
WHICH IS NOT A LEGAL ENTITY,
WITHOUT PREJUDICE**

As set for the below, the Parties to this action hereby stipulate to dismiss Defendant "CNA Insurance Company, Inc", which is not a legal entity, from this action *without prejudice* and request the Court to enter an Order effectuating such stipulation as follows:

1 1. Defendant Continental Casualty Company ("Continental") provided Plaintiffs The
 2 Focal Point, LLC, Andrew Spingler, Linda Spingler, G. Christopher Ritter and Scott Hilton
 3 (collectively, "Plaintiffs") with the Declaration of Jennifer Faas, Claim Director of Commercial
 4 Accounts for Continental, with a Declaration confirming that there is no such legal entity as
 5 "CNA Insurance Company, Inc." See Exhibit "A," attached hereto.

6 2. Based on the Declaration of Ms. Faas, Plaintiffs have agreed to dismiss "CNA
 7 Insurance Company, Inc." from this lawsuit *without prejudice*.

8 3. Continental acknowledges that Plaintiffs' dismissal of "CNA Insurance Company,
 9 Inc." *without prejudice* will in no way be construed as a waiver of Plaintiffs' rights with respect
 10 to recovering against "CNA Insurance Company, Inc." in this lawsuit should it subsequently be
 11 determined that entity exists and should be a responding party or is any way responsible for any
 12 obligations owed to Plaintiffs based on the allegations set forth in the Complaint in this action.

13
 14 SO STIPULATED.

15
 16 Dated: February 3, 2008
 March

ROSS DIXON & BELL, LLP

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 18 By: 

Monique M. Fuentes

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 20 Attorneys for Defendant
 21 Continental Casualty Company
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1 Dated: February __, 2008

2 March 3,

SQUIRE, SANDERS, & DEMPSEY, L.L.P.

3 By: 

4 Ethan A. Miller
Daniel T. Balmat

5 *Attorneys for Plaintiffs The Focal Point,*
6 *LLC; Andrew Spingler; Linda Spingler; G.*
7 *Christopher Ritter; and Scott Hilton*

8 IT IS SO ORDERED.

9 DATED: _____

10 _____
11 MARILYN HALL PATEL
12 UNITED STATES DISTRICT JUDGE

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EXHIBIT A

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5 *Attorneys for Defendant Continental Casualty Company, on*
6 *behalf of itself and CNA Insurance Company, Inc., which is*
7 *not a legal entity*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 THE FOCAL POINT, LLC, a California limited
liability company; ANDREW SPINGLER;
12 LINDA SPINGLER; G. CHRISTOPHER
13 RITTER; and SCOTT HILTON,

14 Plaintiffs,

15 v.

16 CNA INSURANCE COMPANY, INC.;
CONTINENTAL CASUALTY COMPANY,

17 Defendants.

No. C07-05764 MHP

DECLARATION OF JENNIFER FAAS

ROSS, DIXON & BELL, LLP
5 PARK PLAZA, SUITE 1200
IRVINE, CA 92614-8592

DECLARATION OF JENNIFER FAAS

I, JENNIFER A. FAAS, declare as follows:

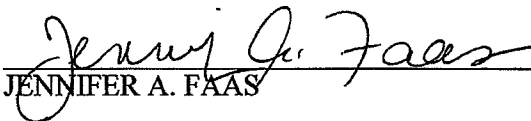
1. I am employed by Continental Casualty Company ("Continental Casualty") as a Claim Director of Commercial Accounts. This declaration is made upon my personal knowledge and documents maintained by Continental in the ordinary course of its insurance business.

2. There is no legal entity known as "CNA Insurance Company, Inc." Rather, "CNA Insurance Companies" is a fleet name for a group of related insurance companies, including Continental Casualty.

3. Continental Casualty issued Epack for Private Companies Policy No. 268060719 to The Focal Point, LLC for the policy period December 1, 2005 to December 1, 2006 (the "05-06 Policy") and issued a renewal policy for the policy period December 1, 2006 to December 1, 2008 (the "06-08 Policy") (collectively, the "Policies"). Continental Casualty issued both the 05-06 Policy and the 06-08 Policy, and has all of the rights and obligations of the insurer under each of the Policies. Continental Casualty will not seek to avoid responsibility for any obligations of the insurer in this matter by contending that some other entity is the real party in interest or is a necessary party to this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of February, 2008 at Cranbury, New Jersey.


JENNIFER A. FAAS

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